

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             )                           19-CR-206  
                                  )  
                                  )  
Shelby Garigen                )  
                                  )  
Defendant.                    )

DECLARATION OF PUBLICATION

In accordance with 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, notice of the forfeiture was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days, beginning on December 18, 2019 and ending on January 16, 2020. (See, Attachment 1).

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 29, 2020 at Buffalo, NY.

*s-KelliAnn Winkowski*  
KelliAnn Winkowski  
Paralegal

Attachment 1

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK  
COURT CASE NUMBER: 19-CR-206; NOTICE OF FORFEITURE**

Notice is hereby given that on November 25, 2019, in the case of U.S. v. Shelby Garigen, Court Case Number 19-CR-206, the United States District Court for the Western District of New York entered an Order condemning and forfeiting the following property to the United States of America:

One Google cellular telephone, Model Pixel 3, IMEI: 35827509263064 Ser No: 35827509263064 (20-FBI-001102) which was seized from Shelby Garigen on November 12, 2019 at 5968 Corinne Ln, located in Clarence Center, NY

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file an ancillary petition within 60 days of the first date of publication (December 18, 2019) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The ancillary petition must be filed with the Clerk of the Court, U.S. District Clerk's Office, 2 Niagara Square Room 200, Buffalo, NY 14202, and a copy served upon Assistant United States Attorney Richard D. Kaufman, 138 Delaware Avenue, Federal Centre, Buffalo, NY 14202. The ancillary petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all ancillary petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such ancillary petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date of final publication of this notice. See 28 C.F.R. Section 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm>

website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to Assistant United States Attorney Richard D. Kaufman, 138 Delaware Avenue, Federal Centre, Buffalo, NY 14202. This website provides answers to frequently asked questions (FAQs) about filing a petition for remission. You may file both an ancillary petition with the court and a petition for remission or mitigation.



## Advertisement Certification Report

The Notice of Publication was available on the [www.forfeiture.gov](http://www.forfeiture.gov) web site for at least 18 hours per day between December 18, 2019 and January 16, 2020. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Shelby Garigen

**Court Case No:** 19-CR-206  
**For Asset ID(s):** See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	12/18/2019	24.0	Verified
2	12/19/2019	24.0	Verified
3	12/20/2019	24.0	Verified
4	12/21/2019	24.0	Verified
5	12/22/2019	24.0	Verified
6	12/23/2019	24.0	Verified
7	12/24/2019	24.0	Verified
8	12/25/2019	24.0	Verified
9	12/26/2019	24.0	Verified
10	12/27/2019	24.0	Verified
11	12/28/2019	24.0	Verified
12	12/29/2019	24.0	Verified
13	12/30/2019	24.0	Verified
14	12/31/2019	24.0	Verified
15	01/01/2020	24.0	Verified
16	01/02/2020	24.0	Verified
17	01/03/2020	24.0	Verified
18	01/04/2020	24.0	Verified
19	01/05/2020	24.0	Verified
20	01/06/2020	24.0	Verified
21	01/07/2020	24.0	Verified
22	01/08/2020	24.0	Verified
23	01/09/2020	24.0	Verified
24	01/10/2020	24.0	Verified
25	01/11/2020	24.0	Verified
26	01/12/2020	24.0	Verified
27	01/13/2020	24.0	Verified
28	01/14/2020	24.0	Verified
29	01/15/2020	24.0	Verified
30	01/16/2020	24.0	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.